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# Appeal Decision

Site visit made on 11 July 2024

**by R Morgan BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 July 2024**

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**Appeal Ref: APP/Y3425/W/23/3329500**

**Bank Farm Bungalow, Outwoods, Newport, Staffordshire TF10 9ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Miss Joanne Day against the decision of Stafford Borough Council.
  - The application Ref is 22/36569/cou.
  - The development proposed is change of use of agricultural land to garden.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The description of development used in the original application and appeal forms is very long and detailed. In the heading above, I have shortened the description so that it explains the development proposed without the lengthy explanation. Although I have removed this information from the description of development above, I have taken it into account in assessing the appeal.

## Main Issue

3. The main issue is the effect of the proposed change of use on the rural character and appearance of the area.

## Reasons

4. Bank Farm Bungalow is in a rural location, on the edge of the small settlement of Outwoods. There are several nearby properties, including a house and farm adjacent to the site, but the surrounding land is mainly agricultural.
5. The appellant has explained that the appeal site once formed part of a larger farm, but following the death of their father, the land was divided between siblings. The appellant now owns the house and two parcels of land immediately to the north. The appeal is concerned with the parcel closest to the lane.
6. The land around Bank Farm Bungalow is in active agricultural use, but the parcels in the appellant's ownership are no longer being farmed. From the information provided, it seems that the appeal site has not been in agricultural use for about ten years, during which time it has been used to store building materials associated with the renovation of the house. At the time of my visit, the mound of earth shown in photos had been removed, and part of the site

was being used for wood storage. A timber shed had been erected in the corner of the site, and shipping containers were also present.

7. Despite the presence of these materials and buildings along the edge of the appeal site, the overall impression is that of an open and undeveloped area. The site is at a lower level than the surrounding agricultural land and is adjacent to gardens on two sides, but traditional wooden fencing and metal gates around the site boundaries allow views to the surrounding fields and woodland. Together with the adjacent parcel of land which the appellant owns, the site feels part of the wider agricultural landscape, and contributes to the traditional rural character of the area.
8. The appellant has applied to change the lawful use of the appeal site from agricultural use to domestic garden, and have explained that they wish to use the plot to grow vegetables on raised beds, and plant wildflowers. Using the land in this way would be entirely appropriate in this rural location, and compatible with an agricultural use.
9. However, the Council has confirmed that the site could already be used to grow wildflowers and vegetables, albeit without creating raised beds. I agree. The appellant could improve the appearance of the site considerably through the creation of wildflower areas and growing food to eat, which would have educational benefits as well as helping wildlife. This could be done without needing planning permission. If constructing raised beds is important, a sheltered area in the existing garden could be created, perhaps by planting hedges, so that it could be used to grow vegetables.
10. By allowing the site to become part of the garden, there would be the potential for its character to change significantly. Use of the land as a garden would enable paths, patios and hardstanding to be laid, play equipment installed, and sheds or greenhouses erected. Under householder permitted development rights, outbuildings could be constructed on large portion of the site.
11. The appellant may have no intention of developing the site in this way, but if I were to allow the proposed change of use, there would be nothing to stop future occupiers from doing so. Use of this area for such domestic purposes would detract from, and cause harm to, the wider rural character of the area. This is particularly the case because of the position of the site, which juts out from the existing house and garden, and does not relate well to it in visual terms.
12. This may seem unfair, and I appreciate the appellant's desire to adapt to new family circumstances. However, planning permission runs with the land, and I must consider the longer term use of the site. There is already an area of garden associated with the bungalow, and given that the site could already be used to grow wildflowers and vegetables, no convincing explanation has been given as to why a much larger area of garden is needed.
13. In light of the above considerations, I conclude that there is a significant risk that, over time, the proposed change of use would cause harm to the rural character and appearance of the area.
14. The proposed change of use would therefore conflict with Policies N8 and E2 of the Plan for Stafford Borough 2014 (local plan), which together require that development should respect, conserve and enhance the natural landscape.

Similarly, it would not comply with paragraph 135 of National Planning Policy Framework (the Framework), which requires that developments are sympathetic to local character and the surrounding landscape setting.

15. In addition, the proposal to extend the garden would not be complementary to the adjacent viable agricultural operations, which is another requirement of local plan Policy E2.
16. In its decision notice, the Council has also referred to local plan Policy N1, but that is concerned with design, and is not directly applicable to the proposed change of use.

### **Other Matters**

17. I note that the Parish Council did not object to the proposal, but they did not explicitly support it either. I have assessed the proposal on its merits and in light of relevant policies in the development plan and found it would be unacceptable for the reasons given.

### **Conclusion**

18. I have found that the proposed change of use would cause harm to the character and appearance of the area. The proposal conflicts with the local plan and the Framework, and no other considerations would outweigh this harm. The appeal is therefore dismissed.

*R Morgan*

INSPECTOR